



Community Development Department
PO Box 2460 16345 Sixth Street
La Pine, Oregon 97739
Phone: (541) 536-1432 Fax: (541) 536-1462
Email: info@lapineoregon.gov

Partition Application

File Number # _____

PLEASE NOTE: INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

PROPERTY OWNER AND APPLICANT INFORMATION

Applicant Name F&S South 16 LLC Phone 623-414-9117 Fax _____
Address PO Box 449 City Lincoln City State OR Zip Code 97367
Email Chase.F@oksenholtgroup.com
Property Owner F&S South 16 Phone 602-292-3699 Fax _____
Address PO Box 449 City Lincoln City State OR Zip Code 97367
Email Chase.F@oksenholtgroup.com

PROPERTY DESCRIPTION

Property Location (address, intersection of cross street, general area) _____
51212 Erling Way - NE Corner of Bassett Drive and Erling Drive
Tax lot number T-15 R-13 Section _____ Tax Lot(s) 221014CD00339
Zoning RSF Total Land Area _____ (Square Ft.) .25 (Acres)
Present Land Use Vacant platted lot



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PROJECT DESCRIPTION

Describe Project: Tentative Plan to divide the property into 2 parcels

•Parcel 1 = 5520.02 square feet

•Parcel 2 = 5520.02 square feet

PROFESSIONAL SERVICES

Land Use Planner _____
Surveyor/Engineer Blackmore Planning and Phone 541-419-1455 Fax _____
Development Services, LLC
Address 19454 Sunshine Way City Bend State OR Zip Code 97702
Email greg@blackmoreplanning.com

FOR OFFICE USE ONLY

Date Received: _____

Rec'd By: _____

Fee Paid: _____

Receipt #: _____

SUBMITTAL REQUIREMENTS

REQUIRED ITEMS TO BE SUBMITTED FOR PARTITION REVIEW.

Note: additional information may be required depending on the actual project.

- ☐ Application. The application must be signed by the owner(s) and include information requested on the application form. If the owner does not sign, then a letter of authorization must be signed by the owner for the agent.
- ☐ Title Report or subdivision guarantee, including legal description of property.



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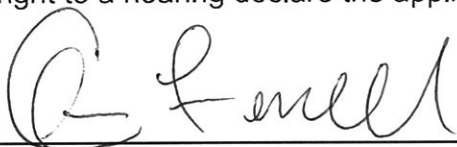
- ☐ Fee, Plus, if needed- Hearing (Specially Set); Non Hearings Officer ***DEPOSIT ONLY- Fee May Be Higher Based on Actual Cost of Services
- ☐ Burden of proof statement, three (3) copies addressing approval criteria
- ☐ A vicinity map.
- ☐ Supplemental information: All agreements with local governments that affect the land and proposed use of property.
- ☐ Electronic copy of all plans and burden of proof on CD (Adobe or Jpeg preferred).
- ☐ Tentative Plan. Seven (7) copies of the tentative plan which must be folded individually, or in sets to 8 1/2" X 11" in size and one (1) 8 1/2" x 11" or 11" x 17" reduced copy of the tentative plan is required. The scale cannot be greater than 1 inch = 50 feet. The tentative plan shall be accurately drawn to scale, and shall include:
 - ☐ A north arrow, scale and date of map and property identified.
 - ☐ Location of the property by section, township and range, and a legal description defining the location and boundaries of the proposed tract to be divided.
 - ☐ Names, addresses, and telephone numbers of the property owner, applicant, and engineer or surveyor used.
 - ☐ Existing and proposed streets and alleys, including locations, name, pavement widths, rights-of-way width, approximate radius of curves, and street grades.
 - ☐ Adjacent property boundaries, property owners and land uses including zoning.
 - ☐ Access: The locations and widths of existing and proposed access points along with any off-site driveways effected by the proposal.
 - ☐ Easements: The locations, widths, and purposes of all existing and proposed easements on or abutting the property.
 - ☐ Utilities: The location of all existing and proposed public and private sanitary sewers, water lines and fire hydrants on and abutting the property.



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- ☐ Topography: Ground elevations shown 5 foot intervals for ground slopes 5% or greater.
- ☐ Trees: All trees with a diameter of 6+ inches at three feet above grade.
- ☐ Site features: Irrigation canals, ditches & areas subject to flooding or ponding, rock outcroppings, etc. shall be shown.
- ☐ Parcel dimensions: Dimensions of existing and proposed parcels.
- ☐ Parcel numbers: Parcel numbers for partitions numbers and blocks for land divisions.
- ☐ Setbacks from all property lines and present uses of all structures.
- ☐ All portions of land to be dedicated for public use.
- ☐ Zero lot line residential developments: All building footprints and setbacks shall be clearly indicated on the plan.

By signing this application, the undersigned certifies that he / she has read and understands the submittal requirements stated above. Please note: if the applicant makes a misstatement of fact on the application regarding ownership, authority to submit the application, acreage, or any other fact material relied upon in making a decision, the City may upon notice to the applicant and subject to an applicant's right to a hearing declare the application void.

Owner:  Date: 10-13-25
Signature

Applicant: _____ Date: _____
Signature

Please note: additional information may be required by the City prior to the application being deemed complete.

Burden of Proof Statement
City of La Pine – Partition - Replat
Lot 47 – Oksenholt Estates

**Applicant/
Owner:** F&S South 16
Chase Farrell
PO Box 449
Lincoln City, OR 97367

**Surveyor /
Engineer:** Becon Civil Engineering and Land Surveying
Trevor Munro
549 SW Mill View Way
Bend, OR 97702

Planner: Blackmore Planning and Development Services, LLC
Greg Blackmore
19454 Sunshine Way
Bend, OR 97702

Location: The property is located in the southern portion of the City of La Pine. The property is Lot 47 of the Oksenholt Estates subdivision. The site address is 51212 Erling Drive, and is further identified as Deschutes County Tax Assessors Map and lot 221014CD00339.

Request: The applicant is requesting a Replat / Tentative Partition Plan Review to divide the land as 2 parcels:

- Parcel 1 = 5520.02 square feet
- Parcel 2 = 5520.02 square feet

I. Applicable Criteria and Procedures:

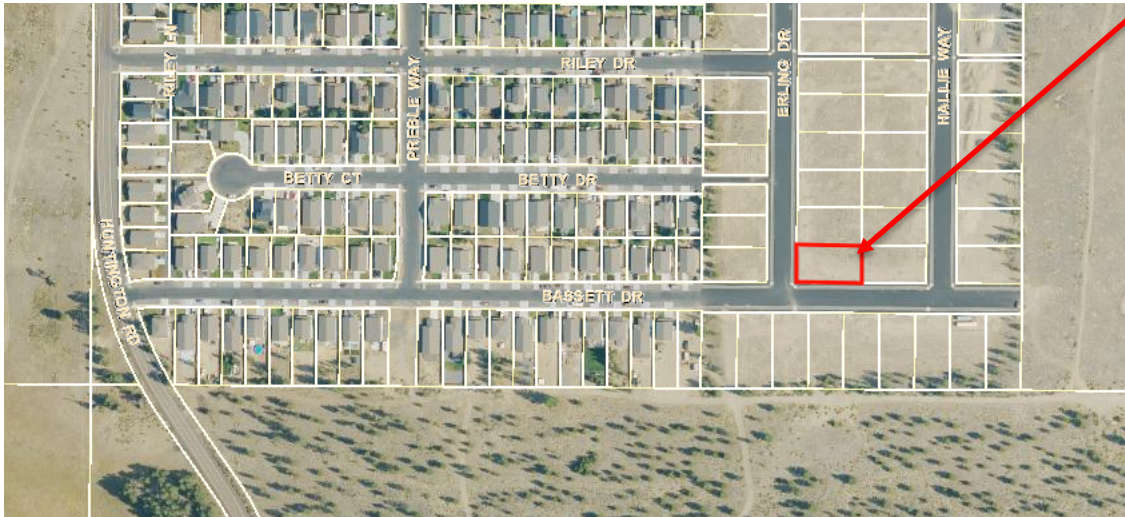
1. City of La Pine Development Code

- ARTICLE 3 – ZONING DISTRICTS
 - Chapter 15.18 – Residential Zones
- ARTICLE 5 – DEVELOPMENT STANDARDS
 - Chapter 15.80 – Development Standards, Generally
 - Chapter 15.88 – Access and Circulation
 - Chapter 15.90 – Public Facilities
 - Chapter 15.92 – Additional Standards or Land Divisions
 - Chapter 15.94 – Improvement Procedures and Guarantees
- ARTICLE 7 – PROCEDURES
- ARTICLE 9 – LAND DIVISIONS
 - Chapter 15.402 – General Provisions
 - Chapter 15.410 – Land Partitions

- Chapter 15.415 - Replats
- Chapter 15.418 – Processing and Recording Procedures

II. General Facts:

1. LOCATION: The property is located in the southern portion of the City of La Pine. The property is Lot 47 of the Oksenholt Estates subdivision. The site address is 51212 Erling Drive, and is further identified as Deschutes County Tax Assessors Map and lot 221014CD00339.



2. ZONING AND COMPREHENSIVE PLAN DESIGNATIONS: The subject property is designated Residential Single Family (RSF) on both the Comprehensive Plan and Zoning maps.

3. SITE DESCRIPTION AND SURROUNDING DEVELOPMENT: The property is .25 acres in size, rectangular in shape, and level. It is part of the recently developed Oksenholt Estates subdivision. The abutting Bassett Drive and Erling Drive rights-of-way (to the south and west) have been developed with streets, sidewalks, water mains, sewer mains and franchise utilities. One water service and one sewer service have been extended to the property

Surrounding properties are similarly zoned (Residential Single Family / RSF). Immediately surrounding properties (and the extended area to the north) are located within the Oksenholt Estates subdivision, which are platted and have water and sewer services, along with all required infrastructure. Farther to the east is bare land, to the south is F1 zoned land that is located within outside of the City of La Pine (Deschutes County), and farther to the west is the Huntington Meadows subdivision, which is developed with single-family homes.

4. PROPOSAL: The applicant is requesting a Replat / Tentative Partition Plan Review to divide the land as 2 parcels:

- Parcel 1 = 5520.02 square feet
- Parcel 2 = 5520.02 square feet

5. EXHIBITS: In addition to this burden of proof statement, the applicant submits the following exhibits in support of this proposal:

- Application Form and Fee
- Ownership Deed
- Tentative Plan
- Title Report
- City of La Pine File No. 01SUB-19 – Evans Way Estates Decision

6. RELEVANT DEFINITIONS: Prior to the City's adoption of Ordinance 2024-02 on December 11, 2024, the La Pine Development Code contained the following definitions:

Partition means to divide a lot, parcel or tract of land into two or three parcels, but does not include the following:

1. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property, or the creation of a cemetery lot.
2. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created, and where the existing unit of land reduced in size by the adjustment complies with the applicable zoning.
3. The division of land resulting from the recording of a subdivision or condominium plat.
4. The sale of a lot in a recorded subdivision or town plat, even though the developer, owner or seller of the lot may have owned other contiguous lots or property prior to the sale; the lot, however, must be sold as platted and recorded.

Partition, major, means a partition where a new street or road is created for access to one or more of the parcels created by the partitioning.

Partition, minor, means a partition where each lot or parcel created has access to an existing public road, street, highway or way; that is, a partitioning that does not include the creation of a new road or street for access to one or more of the lots or parcels being created. For the purposes of this definition and this definition only, an easement for access of more than 100 feet in length shall be considered a street or road.

Ordinance No. 2024-02 included the following, where underlines are additions and ~~strike throughs~~ are deletions:

Partitioning land means to ~~divide a lot, parcel or tract of land into two or three parcels, but does not include the following:~~ dividing land to create not more than three parcels of land within a calendar year, but does not include:

1. ~~A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property, or the creation of a cemetery lot.~~ Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
2. ~~An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created, and where the existing unit of land reduced in size by the adjustment complies with the applicable zoning.~~ Adjusting a property line as property line adjustment is defined.
3. ~~The division of land resulting from the recording of a subdivision or condominium plat.~~ Dividing land as a result of the recording of a subdivision or condominium plat;
4. ~~The sale of a lot in a recorded subdivision or town plat, even though the developer, owner or seller of the lot may have owned other contiguous lots or property prior to the sale; the lot, however, must be sold as platted and recorded.~~ Selling or granting by a person to a public agency or public body of property for state highway, county road, city street or other right of way purposes if the road or right of way complies with the applicable comprehensive plan and ORS 215.213 (2)(p) to (r) and 215.283 (2)(q) to (s). However, any property sold or granted for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until the property is further subdivided or partitioned; or
5. Selling or granting by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

While there is a slight discrepancy between the on-line Development Code's use of the term "Partition" and Ordinance 2024-02's use of the term "Partitioning land", the applicant understands that the prior definition of "Partition" has been replaced with the "Partitioning land" term and verbiage. It is also understood that Partition, minor and Partition, major definitions have not changed.

Furthermore, Ordinance 2024-02 adds a new definition for replat:

Replat means the act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

The current proposal divides the existing land (Lot 47 of the Oksenholt Estates subdivision) into 2 parcels and does not require a new street or road for access; therefore it meets the La Pine Development Code definition of a Replat and a Minor Partition.

III. Compliance with Article 3 – Zoning Districts:

CHAPTER 15.18. - RESIDENTIAL ZONES

Sec. 15.18.100. Purpose.

Chapter 15.18 regulates allowed land uses ("uses") and sets forth lot and development standards, including, without limitation, minimum dimensions, area, density, coverage, structure height, and other provisions that control the intensity, scale, and location of development in the residential zones. The regulations of this chapter are intended to implement the City of La Pine Comprehensive Plan.

Sec. 15.18.200. Characteristics of the residential zones.

Residential zones are intended to accommodate a mix of residential uses at planned densities, consistent with the housing needs of the city; promote the orderly development and improvement of neighborhoods; facilitate compatibility between dissimilar land uses; allow residences in proximity, and with direct connections, to schools, parks, and community services; and to ensure efficient use of land and public facilities. There are two residential zones in the city:

A. Residential Single-Family Zone (RSF). The RSF zone permits residential uses at densities between one and seven dwelling units per gross acre. Permitted residential uses consist primarily of detached single-family housing, duplexes, and low density multi-family developments. The RSF zone also allows community service uses such as churches, schools, and parks that may be subject to special use standards.

B. Residential Multi-Family Zone (RMF). The RMF zone permits residential uses at densities between five and 40 dwelling units per gross acre. Permitted residential uses consist of detached single-family dwellings, townhomes, duplexes, and multi-family housing. The RMF zone also allows community service uses such as churches, schools, and parks that may be subject to special use standards.

Applicant Response: The property is zoned Residential Single Family. The property will serve as a land to deliver residential units. Development upon the property will be reviewed for conformance with Development Code requirements to ensure compliance.

Sec. 15.18.300. Use regulations.

Uses may be designated as permitted, limited, conditional, or prohibited in the residential zones. As noted in Table 15.18-1, a use may also be subject to special use standards of article 6.

A. Permitted uses (P). Uses allowed outright in the residential zones are listed in Table 15.18-1 with a "P."...

Applicant Response: The applicant recognizes that the property is zoned for residential use and the proposal does not include any new uses at this time. The application is solely aimed at the division of the property. Future uses will comply with the standards set forth in the code.

Sec. 15.18.400. Development standards.

A. Purpose. The development standards for residential zones work together to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The development standards generally ensure that new development will be compatible with the city's character. At the same time, the standards allow for flexibility for new development. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

B. Development standards. The development standards for residential zones are presented in Table 15.18-2. Development standards may be modified as provided by chapter 15.320, variances. Additional standards may apply to specific zones or uses, see section 15.18.500. Footnotes in the table correspond to the sections below.

1. Minimum density standard in the RSF zone only applies to subdivisions. Development on existing lots and partitions are exempt from this standard.

2. Accessory dwellings do not count toward the maximum density standard in the RSF zone.

<i>Table 15.18-2. Development Standards in the Residential Zones</i>		
<i>Standard</i>	<i>RSF</i>	<i>RMF</i>
Minimum density	1 unit per acre (1)	5 units per acre
Maximum density	7 units per acre (2)	40 units per acre
Minimum lot size	None	None for single-family dwelling, cottage cluster development, duplex, or townhomes.

		Multi-family development: 3,000 sq. ft. for first dwelling unit, plus 1,000 sq. ft. for each dwelling unit thereafter on the same property, provided that urban services are available to serve the development.
Minimum street frontage	50 feet 35 feet on cul-de-sac street 25 feet for townhomes	50 feet 35 feet on a cul-de-sac street 25 feet for townhomes
Minimum setbacks	—	—
- Front or street-side yard	20 feet	20 feet
- Side yard	10 feet None for townhomes	10 feet None for townhomes
- Rear yard	20 feet	20 feet
Maximum building height	45 feet	45 feet
Maximum lot coverage	75% for townhomes 50% for all other uses	75% for townhomes 50% for all other uses
Minimum landscaped area	See chapter 15.82	

Applicant Response: Each of the applicable standards are addressed below:

Density: The RSF zone has an allowed density of 1 – 7 units per acres. The original Evans Way Estates subdivision (01SUB-19) was approved with a density of approximately 3 units per acre; 61 lots over the 20.56 acre area.

- In addition to the originally platted 61 lots, Lots 9, 12, 28, and 42 have received tentative partition approvals, which (when platted) will result in 65 units of land upon the 20.56 acre area that was originally approved via 01SUB-19¹.
- Also, the applicant has recently submitted for a partition on Lot 32, which, if approved will result in a total of 66 lots.

The creation of one additional unit of land, will result in 67 units of land on the original 20.56 acres, which equates to 3.25 units per acre. The proposal can accommodate

¹ Overall – in addition to the approved partitions lots 9, 12, 28 and 41, the applicant intends on submitting partitions on this lot (32) along with Lots 47, 60 and 61. In all, the 8 additional units of land from the original subdivision plat; 69 unit of land on 20.56 acres or 3.36 units per acre.

allowed uses and will not cause the density of the subdivision to exceed 7 units per acre.

Lot Size: The RSF Zone does not have a minimum or maximum lot size.

Street Frontage: The RSF Zone has a minimum street frontage requirement of 50 feet. As detailed on the Tentative Plan, both parcels are proposed to have 69 feet of frontage on Bassett Drive. As designed, both parcels will have well over 50 feet of street frontage.

Setbacks: The lot is vacant and no structures are proposed at this time; therefore setback standards do not apply at this time. Setbacks will be reviewed with subsequent development applications.

Building Height: No structures are proposed at this time; therefore building height standards do not apply at this time. Building height will be reviewed with subsequent development applications.

Lot Coverage: The lot is vacant and no structures are proposed at this time; therefore lot coverage standards do not apply at this time. Lot coverage standards will be reviewed with subsequent development applications.

Landscape: No development is proposed at this time; therefore landscape standards do not apply at this time. Landscape standards will be reviewed with subsequent development applications.

Sec. 15.18.500. Additional standards.

A. RSF zone. The following standards apply to all development in the RSF zone:

- 1. No dwelling structures shall have visible, unclosable openings, which allow penetration of air, outside elements, or animals into the structure's interior, except for screened-in porches.**
- 2. All dwelling structures shall be placed on a basement foundation, concrete pad or piers, or other permanent foundation and secured, anchored, or tied down in accordance with the current International Building Code and all other applicable FHA requirements.**
- 3. See article 5 for additional development standards.**

Applicant Response: No structures are proposed at this time; therefore the standards of this section do not apply at this time. The standards of this section will be reviewed with subsequent development applications.

IV. Compliance with Article 5 – Development Standards

Chapter 15.80 - Development Standards, Generally

15.80.010 Purpose

Article 5 contains development and design standards for the built environment. The standards are intended to protect the public health, safety, and welfare through the provision of landscaping and buffering, parking and loading facilities, multimodal accessibility and interconnectivity, and adequate public facilities.

In interpreting and applying this title, the provisions herein shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

Applicant Response: This section establishes the purpose of these General Development Standards. This section does not include any approval criteria or development standards to measure compliance with. Compliance with the standards of this section will ensure that the Purpose stated herein is implemented.

15.80.020 Applicability

Any land division or development, and the improvements required therefore, shall be in compliance with the development, design and improvement standards and requirements set forth in this Article. Other provisions of this Code, other city ordinances, or state statutes or administrative rules may also apply.

Applicant Response: The proposal includes a land division; therefore this section applies.

15.80.030 Exemption - Lot Size Requirements...

15.80.040 Exemption - Yard or Setback Requirements...

15.80.050 Supplementary Height Regulations...

15.80.060 Restrictions on the Use of Metal Shipping Containers...

Applicant Response: The proposed land division does not request an exception to lot size or setbacks, and no new structures are reviewed with the land division application; therefore these sections do not apply.

Chapter 15.82 - Landscaping, Buffering and Fences

15.82.010 Landscaping and Buffering Requirements

The following minimum landscape requirements are established for all developments subject to site plan approval, unless approved otherwise by the reviewing authority...

Applicant Response: This section applies to developments subject to Site Plan Review. The current proposal is for a land division, but not a Site Plan review; therefore this section does not apply.

Chapter 15.86 - Parking and Loading

15.86.0101 Applicability

Off-street loading and vehicle and bicycle parking spaces shall be provided in accordance with the specifications of this Chapter in all zones whenever any new use is established, an existing use is enlarged, or an existing use of land or structure is changed to a new use. Such new, enlarged, or changed use shall fully comply with the specifications of this Chapter prior to being given a certificate of use and occupancy...

Applicant Response: The proposal includes a land division, it does not establish a new use; therefore this section does not apply to the Replat / Partition.

Chapter 15.88 - Access and Circulation

15.88.010 Purpose

Chapter 15.88 contains standards for vehicular and pedestrian access, circulation, and connectivity. The standards promote safe, reasonably direct, and convenient options for walking and bicycling, while accommodating vehicle access to individual properties, as needed.

Applicant Response: This section establishes the purpose of these development standards. This section does not include any approval criteria or development standards to measure compliance with. Compliance with the standards of this section will ensure that the Purpose stated herein is implemented.

15.88.020 Applicability

Chapter 15.88 applies to new development and changes in land use necessitating a new or modified street or highway connection. Except where the standards of a roadway authority other than the City supersede City standards, Chapter 15.88 applies to all connections to a street or highway, and to driveways and walkways.

Applicant Response: The proposal does not include new development or land uses necessitating new or modified street or highway connections. Access points are not proposed at this time.

Chapter 15.90 Public Facilities

15.90.010 Public Facilities Improvement

Minor betterment, improvements, replacement or reconstruction of existing

public facilities such as sewer and water lines, storm water drainage facilities, sidewalks and other pedestrian ways or facilities, bikeways and similar public facilities within rights-of-ways and easements for the purposes existing on or before the effective date of this ordinance, or on contiguous publicly-owned property designated, intended or utilized to support the facilities, or the facilities that are set forth within an adopted public facilities plan or other capital improvement plan duly adopted on or before the effective date of this ordinance, are exempt from permit requirements, unless specifically set forth otherwise.

Applicant Response: The proposal does not include public facility improvements outside of land use process; therefore this section does not apply.

15.90.020 Developer Responsibility for Streets and Other Public Facilities

- A. Duties of developer. It shall be the responsibility of the developer to construct all streets, curbs, sidewalks, sanitary sewers, storm sewers, water mains, electric, telephone and cable television lines necessary to serve the use or development in accordance with the specifications of the city and/or the serving entity. [SEP]**

Applicant Response: As detailed above, the proposed Replat / Partition is on a unit of land that is situated within a developed subdivision; one that has been developed with all needed streets, curbs, sidewalks, sanitary sewers, storm sewers, water mains, electric, telephone and cable television lines necessary to serve the use. New water and sewer laterals are proposed to accommodate the parcels, which are sufficient to accommodate the new parcels.

- B. Over-Sizing. The City may require as a condition of development approval that sewer, water, or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable facility master plan, and the City may authorize other cost-recovery or cost-sharing methods as provided under state law. [SEP]**

Applicant Response: The surrounding area is served by existing water and sewer mains that are located with the abutting rights-of-way. The existing mains have adequate capacity to accommodate the proposed land division. It is not anticipated that upgrades to the mains will be necessary or that over-sizing will be applicable to this small land division.

- C. Inadequate existing streets. Whenever existing streets, adjacent to, within a tract or providing access to and/or from a tract, are of inadequate width and/or improvement standards, additional right-of-way and/or improvements to the existing streets may be required. [SEP]**

Applicant Response: The property is located within a residential area that has been developed and was platted in 2023 (CS21206). All improvements were made in accordance with City of La Pine standards and specifications, and the streets are of

adequate width to the serve the area. Therefore, the applicant anticipates that no additional improvements and/or dedications will be required.

- D. Half streets.** Half streets, while generally not acceptable, may be approved where essential to the reasonable development of a proposed land development, and when the City finds it will be practical to require dedication and improvement of the other half of the street when the adjoining property is developed. Whenever a half street exists adjacent to a tract of land proposed for development, the other half of the street shall be dedicated and improved. ^[L]_[SEP]

Applicant Response: The property abuts full streets; the half street provisions of this section are not applicable.

15.90.030 Sewer and Water

- A. Sewer and Water Plan Approval.** Development permits for sewer and water improvements shall not be issued until the Public Works Director has approved all sanitary sewer and water plans in conformance with City standards. ^[L]_[SEP]

Applicant Response: Water and sewer mains are located within the abutting rights-of-way. The applicant proposes to extended water and sewer lateral connections to accommodate each of the individual parcels in conformance with City Standards. Pursuant to this section, it is expected that permits will not be issued until the Public Works Director approves the improvement plans.

- B. Inadequate Facilities.** Development permits may be restricted or rationed by the City where a deficiency exists in the existing water or sewer system that cannot be rectified by the development and which, if not rectified, will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. The City may require water booster pumps, sanitary sewer lift stations, and other critical facilities be installed with backup power. ^[L]_[SEP]

Applicant Response: The property is located within a new subdivision that has been provided with capacity to accommodate residential uses that are allowed within the RSF Zone. Further review and consideration of capacity will occur with this land use application review. Based upon the fact that new infrastructure was recently constructed in the area to accommodate allowed residential uses, it is anticipated that the City will determine that the existing facilities have adequate capacity to accommodate the proposed land division, and that development permits will not be restricted or rationed due to water or sewer capacity issues.

15.90.040 Stormwater.

- A. Accommodation of Upstream Drainage.** Culverts and other drainage facilities shall be large enough to accommodate existing and potential future runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City Engineer.
- B. Effect on Downstream Drainage.** Where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with City standards.

Applicant Response: The proposed land division will not result in any new impervious areas that necessitate stormwater treatment. The applicant recognizes that future development will be required to meet the standards related to stormwater retention. Review for stormwater compliance will take place with future development applications.

15.90.050 Utilities

- A. General Provision.** The developer of a property is responsible for coordinating the development plan with the applicable utility providers and paying for the extension and installation of utilities not otherwise available to the subject property.
- B. Underground Utilities.** All new electrical, telephone or other utility lines shall be underground unless otherwise approved by the city. ^[L]_[SEP]

Applicant Response: The applicant has coordinated with all utility providers and has confirmation that they can serve the new parcels. All new utilities are planned to be extended underground, in conformance with these standards.

- C. Subdivisions.** In order to facilitate underground placement of utilities, the following additional standards apply to all new subdivisions:
 - 1.** The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that no above ground equipment obstructs vision clearance areas for vehicular traffic. ^[L]_[SEP]
 - 2.** The City reserves the right to approve the location of all surface-mounted facilities. ^[L]_[SEP]
 - 3.** All underground utilities installed in streets must be constructed and approved by the applicable utility provider prior to the surfacing of the streets. ^[L]_[SEP]

4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

Applicant Response: The proposal includes a Replat / Partition, but not a subdivision; it does not include new streets; therefore these standards do not apply. The applicant understands that the City reserves the right to approve the location of any surface mounted facilities, should they be needed.

- D. Exception to Undergrounding Requirement. The City may grant exceptions to the undergrounding standard where existing physical constraints, such as geologic conditions, streams, or existing development conditions make underground placement impractical.**

Applicant Response: The proposal does not include an exception to providing new utilities underground; therefore this standard does not apply.

15.90.060 Public Street/Highway Improvement.

The following public streets and highway improvement activities are permitted outright in all zones and are exempt from the permit requirements of this Code.

- A. Installation of additional and/or passing lanes, including pedestrian ways and/or bikeways, within a public street or highway right-of-way existing as of the effective date of this chapter, unless such adversely impacts on-street parking capacities and patterns.**
- B. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, and/or no new land parcels result.**
- C. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time when no longer needed.**
- D. Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations, waysides, and, rest areas within a right-of-way existing as of the effective date of this Code. In addition, also exempt are contiguous public-owned property utilized to support the operation and maintenance of public roads and highways provided such is not located within a duly designated Residential Zone, or adjacent to or across the street from a lot or parcel within such a zone.**
- E. The construction, reconstruction, or modification of a public street or highway that is identified as a priority project in a transportation system plan (TSP) or the State Transportation Improvement Plan (STIP) that was duly adopted on or before the effective date of this chapter.**
- F. The design, construction, operation, and maintenance of a tourist-oriented or public wayside.**

Applicant Response: The Replat / Partition application does not include street or highway improvements. Therefore, this section does not apply.

15.90.070 Design of Streets and Other Public Facilities.

- A. Traffic circulation system.** The overall street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain of the development and the area. An analysis of the proposed traffic circulation system within the land division, and as such system and traffic generated there from affects the overall City of La Pine transportation, will be required to be submitted with the initial land division review application. The location, width and grade of streets shall be considered in their relationship to existing and planned streets, to topographical conditions, to public convenience and safety and to the proposed use or development to be served thereby. [L] [SEP]

Applicant Response: The subject property is located within a developed area that was designed and recently developed in conformance with City standards, ensuring that adequate and safe circulation would be maintained with the area. Therefore, no additional improvements are anticipated to be necessary.

- B. Street location and pattern.** The proposed street location and pattern shall be shown on the development plan, and the arrangement of streets shall:
- 1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or** [L] [SEP]
 - 2. Conform to a plan for the general area of the development approved by the City to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; and** [L] [SEP]
 - 3. Conform to the adopted La Pine Transportation System Plan as may be amended.** [L] [SEP]

Applicant Response: As noted above, the property is part of a recently approved and developed subdivision, which was designed with a general grid pattern. No new streets are needed to accommodate the proposed Replat / Partition or future development. As designed, the proposal conforms to these standards.

- C. Access Ways.** The City, in approving a land use application with conditions, may require a developer to provide an access way where the creation of a cul-de-sac or dead-end street is unavoidable and the access way connects the end of the street to another street, a park, or a public access way. Where an access way is required, it shall be not less than 10 feet wide and shall contain a minimum six-foot-wide paved surface or other all-weather surface approved by the City. Access ways shall be contained within a public right-of-way or public access easement, as required by the City.

Applicant Response: No new streets are needed to accommodate the proposed Replat / Partition. Furthermore, streets extend to the property boundary, allowing direct access to surrounding properties. Therefore, no additional access ways are required.

D. Future street extensions...

Applicant Response: No new streets are needed to accommodate the proposed Replat / Partition.

E. Minimum right-of-way and roadway widths. Unless otherwise approved in the tentative development plan, street, sidewalk and bike rights-of-way and surfacing widths shall not be less than the minimum widths in feet set forth in the La Pine Transportation System Plan, and shall be constructed in conformance with applicable standards and specifications set forth by the city. [SEP]

Applicant Response: As noted above, the Replat / Partition will be served by the existing and abutting roadways (Bassett Drive and Erling Drive) that were developed as part of the recently approved subdivision. All abutting streets have been developed in conformance with the TSP.

F. Sidewalks. Unless otherwise required in this chapter or other city ordinances or other regulations, or as otherwise approved by the Commission, sidewalks shall be required as specified in the La Pine Transportation System Plan. In lieu of these requirements, however, the City may approve a development without sidewalks if alternative pedestrian routes and facilities are provided.

Applicant Response: As noted above, the Replat / Partition will be served by the existing and abutting roadways (Bassett Drive and Erling Drive) that were developed with sidewalks / paths as part of the recently approved subdivision.

G. Bike lanes. Unless otherwise required in this chapter or other city ordinances or other regulations, bike lanes shall be required as specified in the La Pine Transportation System Plan, except that the Planning Commission may approve a development without bike lanes if it is found that the requirement is not appropriate to or necessary for the extension of bicycle routes, existing or planned, and may also approve a development without bike lanes in the streets if alternative bicycle routes and facilities are provided. [SEP]

Applicant Response: No new streets or bike lanes are needed to accommodate the proposed Replat / Partition. Furthermore, the abutting streets are local streets, which do not require bike lanes.

H. Cul-de-sacs...

Applicant Response: The design does not include any cul-de-sacs; therefore this

section does not apply.

- I. Marginal access streets.** Where a land development abuts or contains an existing or proposed arterial street, the city may require marginal access streets, reverse frontage lots with suitable depth, screen- plantings contained in a non-access reservation strip along the rear or side property line or other treatments deemed necessary for adequate protection of residential properties and the intended functions of the bordering street, and to afford separation of through and local traffic. [SEP]

Applicant Response: The proposal does not abut, or contain an existing or proposed arterial streets; therefore this section does not apply.

- J. Streets adjacent to railroad right-of-way...**

Applicant Response: The property is not adjacent to a railroad right-of-way; therefore this section does not apply.

- K. Reserve Strips.** Reserve strips or street plugs controlling access to streets will not be approved unless deemed necessary for the protection of public safety and welfare and may be used in the case of a dead-end street planned for future extension, and in the case of a half street planned for future development as a standard, full street. [SEP]

Applicant Response: The property is not abutted by a reserve strip and no reserve strips are proposed; therefore this section does not apply.

- L. Alignment...**
M. Intersection angles...
N. Curves...
O. Street grades...
P. Street names...

Applicant Response: The proposal includes a land division within an area that has been developed with City Standard street rights-of-way; the proposal does not modify the existing street alignment, intersection angles, curves, grades or names; therefore the standards of these sections do not apply.

- Q. Street name signs.** Street name signs shall be installed at all street intersections by the developer in accordance with applicable city, county or state requirements. One street sign shall be provided at the intersection of each street, and two street signs shall be provided at four-way intersections.

Applicant Response: Street signs exist in the vicinity of the property and no new streets are proposed or required. Therefore, the installation of new street signs is not applicable.

- R. Traffic control signs. Traffic control signs shall be provided for and installed by the developer as required and approved by the appropriate city, county and/or state agency or department.** [L]
[SEP]

Applicant Response: The proposed Replat / Partition does not include the construction or realignment of any streets; therefore, the applicant is not anticipating the installation of any traffic control signage.

- S. Alleys. Alleys are not necessary in residential developments, but may be required in commercial and industrial developments unless other permanent provisions for access to off-street parking and loading facilities are approved by the city.** [L]
[SEP]

Applicant Response: The Replat / Partition is proposed within an area that has been developed with an established street grid. Access drives will be provided (at time of building permit) to serve the new parcels in a manner that allows for access to off-street parking. Therefore, alleys are not required as part of this Replat / Partition.

- T. Curbs. Curbs shall be required on all streets in all developments, and shall be installed by the developer in accordance with standards set forth by the city unless otherwise approved by the city. Approval of streets without curbs shall be at the discretion of the City Engineer, and shall be so determined during the tentative plan land division review process on the basis of special circumstances to the development.** [L]
[SEP]

Applicant Response: No new streets or curbs are needed to accommodate the proposed Replat / Partition, as all necessary facilities were constructed with the original subdivision.

- U. Street lights. Street lights may be required and, if so required, shall be installed by the developer in accordance with standards set forth by the city and the serving utility company. Streets lights, if required, shall include one (1) fixture and be located at the intersection of streets.** [L]
[SEP]

Applicant Response: Where needed, street lighting was identified and installed at the time of the subdivision construction. Based on determinations made with the development of the subdivision, it can be found that the lighting as it exists is adequate to serve the area, and that no additional street light installations are needed.

- V. Utilities. The developer shall make necessary arrangements with the serving utility companies for the installation of all proposed or required utilities, which may include electrical power, natural gas, telephone, cable television and the like.** [L]
[SEP]

Applicant Response: The applicant has coordinated with all utility providers and has confirmation that they can serve the new parcel. All new utilities are planned to be extended underground, in conformance with these standards.

- W. Drainage facilities.** Drainage facilities shall be provided as required by the City in accordance with all applicable City and Oregon Department of Environmental Quality standards.

Applicant Response: No new impervious areas are planned with this Replat / Partition Application. Stormwater design and construction will be associated with the future development of the property and will be reviewed as part of the appropriate permit process.

- X. Gates.** Except where approved as part of a Master Planned Development, private streets and gated drives serving more than two dwellings (i.e., where a gate limits access to a development from a public street), are prohibited.

Applicant Response: Neither private streets nor gates are proposed. This section does not apply.

15.90.080 Traffic Impact Analysis

- A. Purpose.** The purpose of this subsection is coordinate the review of land use applications with roadway authorities and to implement Section 660-012-0045(2)(e) of the state Transportation Planning Rule, which requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; the required contents of a Traffic Impact Analysis; and who is qualified to prepare the analysis. [SEP]
- B. When a Traffic Impact Analysis is Required.** The City or other road authority with jurisdiction may require a Traffic Impact Analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:...
1. A change in zoning or a plan amendment designation;
 2. Operational or safety concerns documented in writing by a road authority;
 3. An increase in site traffic volume generation by [300] Average Daily Trips (ADT) or more;
 4. An increase in peak hour volume of a particular movement to and from a street or highway by [20] percent or more;
 5. An increase in the use of adjacent streets by vehicles exceeding

the 20,000 pound gross vehicle weights by 10 vehicles or more per day;

6. Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard;
7. A change in internal traffic patterns that may cause safety concerns; or
8. A TIA required by ODOT pursuant to OAR 734-051.

Applicant Response: Based on the limited number of trips that are generated by the proposed Replat / Partition, no TIA should be required to accompany the application.

- C. Traffic Impact Analysis Preparation.** A professional engineer registered by the State of Oregon, in accordance with the requirements of the road authority, shall prepare the Traffic Impact Analysis. [SEP]

Applicant Response: Based on the limited number of trips that are generated by the proposed Replat / Partition, no TIA should be required to accompany the application.

- D. Waiver or Deferral.** The City may waive or allow deferral of standard street improvements, including sidewalk, roadway, bicycle lane, undergrounding of utilities, and landscaping, as applicable, where one or more of the following conditions in (1) through (4) is met. Where the City agrees to defer a street improvement, it shall do so only where the property owner agrees not to remonstrate against the formation of a local improvement district in the future... [SEP]

Applicant Response: Waiver or deferment is not proposed at this time. These provisions do not apply.

Chapter 15.92 Additional Standards for Land Divisions

15.92.010 Lots and Blocks...

- A. Blocks.** The resulting or proposed length, width and shape of blocks shall take into account the requirements [SEP] for adequate building lot sizes, street widths, access needs and topographical limitations. [SEP]
1. No block shall be more than 660 feet in length between street corner lines with a maximum 1,400-foot perimeter unless it is adjacent to an arterial street, or unless topography or the location of adjoining streets justifies an exception, and is so approved by the reviewing authority. [SEP]

2. **The recommended minimum length of a block along an arterial street is 1,260 feet.** [L]
[SEP]
3. **A block shall have sufficient width to provide for two tiers of building sites unless topography or the location of adjoining streets justifies an exception; a standard exception is a block in which the building lots have rear yards fronting on an arterial or collector street.** [L]
[SEP]

Applicant Response: The original Subdivision approval (File No. 01SUB-19) approved the block length and perimeter in the area. The currently proposed Replat / Minor Partition will utilize the approved street grid and it does not establish the need or opportunity for any changes to the approved block length and/or perimeter of the Oksenholt Estates Subdivision and the surrounding area.

- B Lots. The resulting or proposed size, width shape and orientation of building lots shall be appropriate for the type of development, and consistent with the applicable zoning and topographical conditions, specifically as lot sizes are so designated for each zoning district in the City of La Pine Development Code.** [L]
[SEP]

Applicant Response: A comprehensive review of the lot size requirements was addressed above. As detailed in that section, the proposal complies with the applicable lot size, width, shape and orientation provisions; therefore the proposal complies with this standard.

- C. Access. Each resulting or proposed lot or parcel shall abut upon a public street, other than an alley, for a width of at least 50 feet except as otherwise provided for in this Code (e.g., for townhomes). For lots fronting on a curvilinear street or cul-de-sac, the City may approve a reduced width, but in no case shall a width of less than 35 feet be approved.** [L]
[SEP]

Applicant Response: As shown on the Plan Set, both parcels are proposed to have 69 feet of frontage on Bassett Drive and Parcel 1 will have 80 feet of frontage on Erling Drive. As designed, both parcels will have over 50 feet of street frontage.

- D. Side lot lines. The side lines of lots and parcels, as far as practicable, shall run at right angles to the street upon which they front; except that on curved streets they shall be radial to the curve.** [L]
[SEP]

Applicant Response: The new property line is a side property line for Parcel 2. As detailed on the Plan Set, the new property line is at a right angle to Bassett Drive and in conformance with this standard.

- E. Division by boundary, ROW and drainage ways. No lot or parcel shall be divided by the boundary line of the city, county or other taxing or service district, or by the right-of-way of a street, utility line or drainage way, or by**

an easement for utilities or other services, except as approved otherwise.

[L]
[SEP]

Applicant Response: As shown on the Replat / Tentative Partition Plan, the new parcels will not be divided by ROW, drainage ways, a boundary line of the city, county or other taxing or service district, or by the right-of-way of a street, utility line or drainage way, or by an easement for utilities or other services; therefore the proposal complies with this standard.

F. Grading, cutting and filling of building lots or sites...

Applicant Response: The proposed Replat / Partition does not include any grading, cutting or filling of the parcels; therefore this section does not apply.

G. Through or double-frontage lots and parcels...

[L]
[SEP]

Applicant Response: The site is a corner lot and the proposal will retain one corner parcel, however it does not result in the creation of any through or double frontage parcels; therefore this section does not apply.

H. Special building setback lines. If special building setback lines, in addition to those required by the applicable zoning, are to be established in a development, they shall be shown on the final plat of the development and included in the deed restrictions.

[L]
[SEP]

Applicant Response: No additional setbacks apply to the subject property; therefore this standard does not apply.

I. Large building lots; redivision. In the case where lots or parcels are of a size and shape that future redivision is likely or possible, the City may require that the blocks be of a size and shape so that they may be redivided into building sites as intended by the underlying zone. The development approval and site restrictions may require provisions for the extension and opening of streets at intervals which will permit a subsequent redivision of any tract of land into lots or parcels of smaller sizes than originally platted.

[L]
[SEP]

Applicant Response: Large building lots are not proposed; therefore it is not anticipated that the City will require added site restrictions.

15.92.020 Easements

A. Utility lines. Easements for sewer lines, water mains, electric lines or other public utilities shall be as required by the serving entity, but in no case be less than 10 feet wide and centered on a rear and/or side lot line unless approved otherwise by the City. Utility pole tie-back easements may be

reduced to 5 feet in width. [L] [SEP]

Applicant Response: If easements are required by a serving entity, the applicant will provide utility easements, as referenced by this section.

- B. Water courses.** If a tract is traversed by a water course, such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further widths as deemed necessary. [L] [SEP]

Applicant Response: The property is not traversed by a water course; therefore an easement for the purposes identified in this section is not applicable.

- C. Pedestrian and bicycle ways.** When desirable for public convenience, a pedestrian and/or bicycle way of not less than 10 feet in width may be required to connect to a cul-de-sac or to pass through an unusually long or oddly shaped block, or to otherwise provide appropriate circulation and to facilitate pedestrian and bicycle traffic as an alternative mode of transportation. Improvement of the easement with a minimum 5- foot wide paved or other suitable surface will be required. [L] [SEP]

Applicant Response: The surrounding area is developed with a local street network that includes sidewalks and streets to carry pedestrian and bicyclists. Above and beyond the facilities that exist, additional facilities are not needed to accommodate the proposed Replat / Partition.

- D. Sewer and water lines.** Easements may also be required for sewer and water lines, and if so required, shall be provided for as stipulated to by the City Public Works Department and/or Water and Sewer District. [L] [SEP]

Applicant Response: Water and sewer mains are located within the abutting rights-of-way. As documented on the Plan Set, individual service lines are planned to be extended so that each parcel has one water and one sewer service line. As designed, water and/or sewer lines will not need to cross any parcels; therefore it is not anticipated that additional easements, noted in this section, will be necessary.

15.92.030 Land for Public Purposes

- A.** If the City has an interest in acquiring a portion of a proposed development for a public purpose, it shall [L] [SEP] notify the property owner as soon as the City Council authorizes the transaction to proceed. [L] [SEP]
- B.** Within a development, or adjacent to a development in contiguous property owned by the developer, a parcel of land of not more than 5% of the gross area of the development may be required to be set aside and dedicated to the public for parks and recreation purposes by the developer. The parcel of land, if required, shall be determined to be suitable for the park and/or

recreation purpose(s) intended, and the city may require the development of the land for the park or recreation use intended or identified as a need within the community.

- C. In the event no such area is available that is found to be suitable for parks and/or recreation uses, the developer may be required, in lieu of setting aside land to pay to the appropriate parks and recreation agency a sum of money equal to the market value of the area required for dedication, plus the additional funds necessary for the development thereof if so required; if such is required, the money may only be utilized for capital improvements by the appropriate parks and recreation agency. [L] [SEP]
- D. If there is a systems development charge in effect for parks, the foregoing land and development or money dedication (if required) may be provided for in lieu of an equal value of systems development charge assessment if so approved by the collecting agency in accordance with the applicable provisions of the system development charge ordinance. If the collecting agency will not permit the land or money dedication in lieu of an applicable systems development charge, then the land and development or money dedication shall not be required. [L] [SEP]
- E. If the nature and design, or approval, of a development is such that over 30% of the tract of land to be developed is dedicated to public uses such as streets, water or sewer system facilities and the like, then the requirements of this subsection shall be reduced so that the total obligation of the developer to the public does not exceed 30%.

Applicant Response: The need for public land was considered with the original subdivision approval (01SUB-19). Given that the original plan considered the entire 20.56 acre area and the associated (broad) needs of the community, it is not anticipated that additional land will be needed for public purposes with this minor Replat / Minor Partition request. To date, the applicant has not been informed of the need for public land. The applicant does not anticipate that the provisions of this section will be necessary.

Chapter 15.94 - Improvement Procedures and Guarantees

15.94.010 Improvement Procedures

Improvements to be installed by the developer, either as a requirement of this chapter, conditions of approval or at the developer's option as proposed as a part of the subject development proposal, shall conform to the following requirements.

- A. **Plan review and approval.** Improvement work shall not be commenced until plans therefore have been reviewed and approved by the City or a designated representative thereof. The review and approval shall be at the

expense of the developer. [L]
[SEP]

- B. Modification.** Improvement work shall not commence until after the City has been notified and approval therefore has been granted, and if work is discontinued for any reason, it shall not be resumed until after the City is notified and approval thereof granted. [L]
[SEP]
- C. Improvements as platted.** Improvements shall be designed, installed and constructed as platted and approved, and plans therefore shall be filed with the final plat at the time of recordation or as otherwise required by the City. [L]
[SEP]
- D. Inspection.** Improvement work shall be constructed under the inspection and approval of an inspector designated by the City, and the expenses incurred therefore shall be borne by the developer. Fees established by the City Council for such review and inspection may be established in lieu of actual expenses. The city, through the inspector, may require changes in typical sections and details of improvements if unusual or special conditions arise during construction to warrant such changes in the public interest. [L]
[SEP]
- E. Utilities.** Underground utilities, including, but not limited to electric power, telephone, water mains, water service crossings, sanitary sewers and storm drains, to be installed in streets shall be constructed by the developer prior to the surfacing of the streets. [L]
[SEP]
- F. As built plans.** As built plans for all public improvements shall be prepared and completed by a licensed engineer and filed with the City upon the completion of all such improvements. A copy of the as built plans shall be filed with the final plat of a subdivision or other development by and at the cost of the developer. The plans shall be completed and duly filed within 30 days of the completion of the improvements. [L]
[SEP]

Applicant Response: The proposal includes the extension of sewer and water laterals to serve the parcels. The applicant plans to follow the provisions of this section, to the extent necessary and applicable, for all improvements that are made within a right-of-way and/or to a public facility.

15.94.020 Completion or Assurance of Improvements [L] [SEP]

- A. Agreement for improvements.** Prior to final plat approval for a subdivision, partition, PUD or other land development, or the final approval of a land use or development pursuant to applicable zoning provisions, where public improvements are required, the owner and/or developer shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property, or shall execute and file with the City an agreement between him/herself and the City specifying

the period in which improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, that the City may complete the work and recover the full costs thereof, together with court costs and attorney costs necessary to collect the amounts from the developer. The agreement shall also provide for payment to the City for the cost of inspection and other engineer services directly attributed to the project.

- B. Bond or other performance assurance.** The developer shall file with the agreement, to assure his/her full and faithful performance thereof, one of the following, pursuant to approval of the City Attorney and City Manager, and approval and acceptance by the City Council.

1.A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney. [L] [SEP]

2.A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of the ability to proceed in accordance with the agreement. [L] [SEP]

3.Cash deposit. [L] [SEP]

4.Such other security as may be approved and deemed necessary by the City Council to adequately assure completion of the required improvements. [L] [SEP]

- C. Amount of security required.** The assurance of full and faithful performance shall be for a sum approved by the City as sufficient to cover the cost of the improvements and repairs, including related engineering, inspection and other incidental expenses, plus an additional 20% for contingencies. [L] [SEP]

- D. Default status.** If a developer fails to carry out provisions of the agreement, and the city has unreimbursed costs or expenses resulting from the failure, the City shall call on the bond or other assurance for reimbursement of the costs or expenses. If the amount of the bond or other assurance deposit exceeds costs and expenses incurred by the City, it shall release the remainder. If the amount of the bond or other assurance is less than the costs or expenses incurred by the city, the developer shall be liable to the city for the difference plus any attorney fees and costs incurred. [L] [SEP]

Applicant Response: The proposed Replat / Partition does not include street improvements, only the extension of water and sewer laterals to serve the parcels. The noted improvements will be reviewed and approved prior to installation. The applicant plans to comply with the provisions of this section, to the extent applicable.

15.94.030 Building and Occupancy Permits...

Applicant Response: The proposal includes a land division, but no new structural development. The proposal does not necessitate Building Permits; therefore, the provisions of this section do not apply.

15.94.040 Maintenance Surety Bond

Prior to sale and occupancy of any lot, parcel or building unit erected upon a lot within a subdivision, partitioning, PUD or other development, and as a condition of acceptance of improvements, the City will require a one-year maintenance surety bond in an amount not to exceed 20% of the value of all improvements, to guarantee maintenance and performance for a period of not less than one year from the date of acceptance.

15.94.050 Engineering/Special Services for Review

With regard to any development proposal for which the City deems it necessary to contract for engineering and/or other special technical services for the review thereof or for the design of facility expansions to serve the development, the developer may be required to pay all or part of the special services. In such cases, the choice of the contract service provider shall be at the discretion of the City, and the service provider shall perform the necessary services at the direction of the City. The costs for the services shall be determined reasonable, and an estimate of the costs shall be provided to the developer prior to contracting therefore.

Applicant Response: All public improvements will be designed and installed to City standards and specification. The applicant understands the requirements and agrees to adhere to the contracted service requirement if deemed necessary and reasonable.

IV. Compliance with the Procedures of the Development Code - Article 7:

15.202.0010 Purpose and Applicability

- A. Purpose.** The purpose of this chapter is to establish decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 15.202-1 provides a key for determining the review procedure and the decision-making body for particular applications.

Applicant Response: This section addresses the procedures that will be utilized in the review of this application packet. These procedures do not include any development standards or approval criteria that the applicant needs to document conformance with, instead this sections details how applications are to be reviewed by the City. The majority of the provisions of this Article direct City Staff, however there are a few

sections that identify applicant required procedures. The applicant anticipates that the applicable procedures of this section will be followed by City Staff. The procedures that are requirements of the applicant (and those which could use further analysis), are addressed below.

B. Applicability of Review Procedures. All land use and development permit applications, except building permits, shall be decided by using the procedures contained in this article as modified by any applicable application-specific procedures identified in Articles 8 and 9. The procedure “type” assigned to each application governs the decision-making process for that application. There are four types of review procedures as described in subsections 1-4 below. Table 15.202-1 lists the City’s land use and development applications and corresponding review procedure(s)...

2. Type II Procedure (Administrative/Staff Review with Notice). Type II decisions are made by the City Planning Official, with public notice and an opportunity for appeal to the Planning Commission. Alternatively, the City Planning Official may refer a Type II application to the Planning Commission for its review and decision in a public meeting.

Applicant Response: The proposal is a Replat / Minor Partition. Based upon Table 15.202-1, the applicant anticipates that the application will be reviewed via the Type II procedure.

15.202.020 Time Limit and Consolidated Review.

C. Consolidated Review of Applications. When an applicant applies for more than one type of application for the same one or more contiguous parcels of land, the proceedings shall be consolidated for review and decision. When proceedings are consolidated, required notices may be consolidated, provided the notice shall identify each application to be decided. When more than one application is reviewed in a hearing, separate findings and decisions shall be made on each application. ^[L]_[SEP]

Applicant Response: The applicant has submitted a Replat / Partition application only; therefore, there is no need to consolidate applications.

15.202.040 Pre-application conference

A. A pre-application conference is encouraged for complex applications or for applicants who are unfamiliar with the land use process and is required for all Type III applications. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of the applicable land use codes, to provide for an exchange of information regarding applicable requirements of the comprehensive plan, zoning code or land division code and to identify issues likely to arise in processing an application. The applicable zoning code may require that a pre-application

conference be held for particular types of applications. L
SEP

- B. Required pre-application conferences must be held no more than one year prior to the submittal of a Type III land use application. Requests for pre-application conferences shall be made on a form provided by the City.**

Applicant Response: The application is not complex and the applicant has experience with land divisions such as this. Furthermore, the applicant coordinated with City Staff prior to submittal was informed that an application should be submitted.

15.202.050 Neighborhood Contact

- A. Purpose and Applicability. Unless waived by the City Planning Official, applicants for master plans, subdivisions with more than 10 lots, major variances and property owner-initiated for zone changes are required to contact neighboring property owners and offer to a hold meeting with them prior to submitting an application...**

Applicant Response: The proposal is for a Replat / Minor Partition. It is not for a master plan, subdivisions with more than 10 lots, major variance or property owner-initiated for zone change. Therefore, Neighborhood Contact is not required.

V. Compliance with Approval Criteria – Article 9 – Land Divisions

Chapter 15.402 - General Provisions

15.402.010 Purpose

It is the purpose of this Article 9, in accordance with the provisions of ORS Chapters 92 and 227, to provide for minimum standards governing the approval of land divisions, including subdivisions and land partitions, as necessary to carry out the needs and policies for adequate traffic movement, water supply, sewage disposal, drainage and other community facilities, to improve land records and boundary monumentation and to ensure equitable processing of subdivision, partitioning and other land division activities within the city and the surrounding urban area.

Applicant Response: This section establishes the purpose of these Approval Criteria. This section does not include any approval criteria or development standards to measure compliance with. Compliance with the standards of this section will ensure that the Purpose is implemented.

15.402.020 Applicability

No person may subdivide, partition or otherwise divide land, or create a planned unit or cluster development, or create a street for the purpose of developing land except in accordance with the provisions of this Article 9, this chapter and ORS

Chapters 92.012 and 277.100.

Applicant Response: The proposal includes a Replat / Minor Partition; therefore compliance with Article 9 is necessary.

Chapter 15.406 - Subdivisions and Planned Unit Developments (PUD) ...

Applicant Response: The proposal includes the creation of two parcels of land, which is a Replat / Partition. The proposal does not include a subdivision or a PUD; therefore this Chapter does not apply.

Chapter 15.410 - Land Partitions

15.410.010 Applicability and Exemptions

- A. Applicability of regulations.** All land partitions (as defined in Article 2) within the City, except as set forth in division (B) of this section, must be approved by the City as provided for in this section. Minor partitions are reviewed in accordance with the Type II procedures in Article 7 and Major partitions are reviewed in accordance with the Type III procedures in Article 7. ^LSEP

Applicant Response: Article 2 provides the following definitions:

Partition, Major. A partition where a new street or road is created for access to one or more of the parcels created by the partitioning.

Partition, Minor. A partition where each lot or parcel created has access to an existing public road, street, highway or way; that is, a partitioning that does not include the creation of a new road or street for access to one or more of the lots or parcels being created. For the purposes of this definition and this definition only, an easement for access of more than 100 feet in length shall be considered a street or road.

The proposed Replat / Partition does not result in the creation of a new street or road; therefore the proposal is for a Replat / Minor Partition and is expected to be processed in accordance with the Type II procedures of Article 7.

- B. Exemptions.** In addition to those exclusions set forth in the definition of “partition” in Article 2, the following land divisions shall be exempt from the land partitioning requirements set forth by this section and this chapter.

- 1.** The partitioning of a tract of land in which not more than one parcel is created and the parcel is being transferred to a public or semi-public agency for the purpose of a public road, street, canal or utility right-of-way, or for public park, school, recreation facility, trail, bikeway, natural

area or other similar public purpose. [SEP]

2. The transfer of one area of land between two adjoining ownerships where an additional parcel is not created and where no new or additional dwellings or other structures are involved, and where the existing ownership reduced in size by the transfer is not reduced below the minimum lot size of the applicable zone. A boundary line adjustment is still required however, and the requirements are set forth in Chapter 15.414.

Applicant Response: The proposed Replat / Partition will not result in the transfer of land to a public or semi-public agency and does not result in the transfer of land where a parcel is not created; therefore the exceptions of this section do not apply to the proposal.

15.410.020 Applications - Partitions

- A. Filing procedures and requirements. Any person proposing a land partition, or the authorized agent or representative thereof, shall prepare and submit copies of the tentative plan for the proposed partition, together with the materials required for a Type II review for a minor partition or Type III review for a major partition as specified in Article 7, to the Planning Official. [SEP]**
- B. Proposed partitioning shall be drawn. The scale and format of the plans and the number of copies required shall be as specified on the application form. [SEP]**
- C. Requirements for the plan. The plan shall include the following.**
 - 1. A vicinity map locating the proposed partitioning in relation to adjacent subdivisions, roadways, [SEP] properties and land use patterns. [SEP]**
 - 2. A plan of the proposed partitioning showing tract boundaries and dimensions, the area of each tract or [SEP] parcel and the names, right-of-way widths and improvement standards of existing roads.**
 - 3. Names and addresses of the land owner, the partitioner, the mortgagee if applicable, and the land surveyor employed (or to be employed) to make necessary surveys and prepare the final partitioning map. [SEP]**
 - 4. A statement regarding provisions for water supply, sewage disposal, solid waste disposal, fire protection, access, utilities and the like. [SEP]**
 - 5. North point, scale and date of map and the property**

identification by tax lot, map number, section, township and range, subdivision lot and block or other legal description. [L] [SEP]

6. Statement regarding past, present and proposed use of the parcel(s) to be created, or the use for which the parcel(s) is to be created. [L] [SEP]

Applicant Response: As documented on the attached Exhibits, the submittal materials include all of the items noted in these section that are necessary for review.

15.410.030 Decisions - Partitions

A. Minor partition. Review of a minor partition shall follow the Type II review procedures in Article 7. [L] [SEP]

B. Major partition. Review of a major partition shall follow the Type III review procedures in Article 7. [L] [SEP]

Applicant Response: As noted above, Article 2 provides the following definitions:

Partition, Major. A partition where a new street or road is created for access to one or more of the parcels created by the partitioning.

Partition, Minor. A partition where each lot or parcel created has access to an existing public road, street, highway or way; that is, a partitioning that does not include the creation of a new road or street for access to one or more of the lots or parcels being created. For the purposes of this definition and this definition only, an easement for access of more than 100 feet in length shall be considered a street or road.

The proposal does not result in the creation of a new street or road; therefore the proposal is for a Replat / Minor Partition and is expected to be process in accordance with the Type II procedures of Article 7.

C. Series partition. Any division of land resulting in a series partition shall be subject to review and approval by the Planning Commission. Applications for any series partition shall be made and processed in the same manner as a major partitioning. Approval requirements shall be the same as for any partition. However, the Planning Commission shall deny any such series partition when it is determined that the partitions are done for the purpose of circumventing applicable subdivision regulations. [L] [SEP]

Applicant Response: Article 2 defines a series partition as follows:

Partition, Series. A series of partitions, major or minor, of a tract of land resulting in the creation of four or more parcels over a period of more than one calendar year, resulting in a de facto subdivision of land.

The proposal does not include a series partition; therefore this section does not apply.

- D. Final partition map procedures. In addition to the procedures required for City approval of a final map for a partitioning, other required processing procedures are set forth in Chapters 15.414 and 15.418. [L] [SEP]**

Applicant Response: The applicant anticipates that all applicable processing procedures will be followed by the City in the review of this application, including any applicable provisions of 15.414 and 15.418.

- E. Requirements for approval. No partitioning shall be approved unless the following requirements are met.**

- 1. The proposal is in compliance with the applicable zoning regulations. All lots conform to the applicable [L] [SEP] lot standards of the zoning district including density, lot area, dimensions, setbacks, and coverage. [L] [SEP]**

Applicant Response: A comprehensive review of the applicable zone standards were included above. As detailed therein, the proposal complies with all applicable lot standards, density requirements, lot area, dimensions, setbacks and lot coverage requirements. Because the proposal complies with the applicable standards, it also complies with this approval criterion.

- 2. Each parcel is suited for the use intended or to be offered, including but not limited to sewage disposal, water supply, guaranteed access and utilities. [L] [SEP]**

Applicant Response: The proposed parcel sizes conform to the requirements of the applicable zone. Also, with the new services to the parcels, both the parcels will be provided with water and sewer laterals, along with all utilities needed to accommodate development. Given the proposed sizes and allowed uses within the zones, the parcels are suited for allowed uses, thus meeting the approval criterion.

- 3. All public services deemed necessary are reasonably available or are proposed to be provided by the partitioner. [L] [SEP]**

Applicant Response: As noted above the water and sewer mains are located within the abutting rights-of-way. The proposal includes the extension of service laterals to the parcels, which will result in service to each of the parcel (either by existing or new laterals). Based on the ability to provide water and sewer service to each parcel, it can be found that the request conforms to this approval criterion.

4. **Proposal will not have identifiable adverse impacts on adjoining or area land uses, public services and facilities, resource carrying capacities or on any significant resources.**

Applicant Response: The abutting rights-of-way include water and sewer mains with adequate capacity to accommodate the planned parcels. Also, the proposal does not impact any significant resources. The Development Code, including the development standards of the applicable zone, was established to prevent adverse impacts. The proposal conforms to all development standards in the Development Code and it provides utilities and services to the parcels; therefore no adverse impacts are identified.

- F. **Survey and improvement requirements. In the approval of any land partitioning, the need for a survey, and the need for street and other public facility improvements shall be considered and such may be required as a condition of approval. Any survey and/or improvement requirements that may be required for a subdivision or other land development may be required for a partitioning, including bonding or other ^[L]_{SEP} assurance of compliance.**

Applicant Response: The application is supported by a survey, and while this section allows the City to require any improvements that could be imposed upon a subdivision, given the minor size and scale of the proposed Replat / Partition, the applicant does not anticipate that any additional public improvements will be required prior to final platting.

15.410.050 Final Map Requirements

Within 2-years of the approval of a partition, the partitioner shall have prepared and submitted to the City Planning Official a final partition map prepared by a licensed surveyor and any other materials or documents required by the approval.

- A. **The final map shall provide a certificate for approval of the subject partition by the Planning Official . The final map shall also contain a certificate for execution by the County Tax Collector and a certificate for execution by the County Assessor. The final map shall first be submitted to and approved by the County Surveyor prior to obtaining the required signatures. ^[L]_{SEP}**
- B. **Upon approval, the petitioner shall file the original map with the County Clerk, the true and exact copy with the County Surveyor and copies of the recorded plat and a computer file of the plat with the City Recorder, City Planning Official , or County Surveyor. The County Surveyor may request an additional number of copies required at the time of final plat review if deemed appropriate. ^[L]_{SEP}**
- C. **A final partition map prepared for this purpose shall comply with the recording requirements applicable to a final plat for a subdivision. ^[L]_{SEP}**

Applicant Response: Subsequent to Tentative Plan Approval, the applicant plans to follow these final map requirements.

Chapter 15.418 - Processing and Recording Procedures

15.418.010 Processing and Recording Subdivision and Partition Maps

- A. Submit one reproducible paper, vellum or mylar map copy to the County Surveyor.**
- B. Submit closure sheets for the surveyor's certificate and a closure sheet for each lot or parcel created, and a closure sheet for dedicated areas such as roadways or public facility lots. [L] [SEP]**
- C. Submit the required County Surveyor review fee as appropriate for the subdivision or partition. [L] [SEP]**
- D. Submit a title report for the subdivision. [L] [SEP]**
- E. Submit a post-monumentation certificate stating the intent and completion date and a bonding estimate for all subdivision plats proposed for post-monumentation. The bonding estimate is to be 120% of the estimated actual costs, office and field. [L] [SEP]**
- F. After preliminary initial review of the plat, resubmit the final plat prepared on double matte four mil minimum thickness mylar, with corrections made, to the County Surveyor for final approval and signature. [L] [SEP]**
- G. Remaining approval signatures shall then be executed and the final maps and an exact copy thereof submitted to the County Surveyor for recording into the survey records prior to submittal to the County Clerk for recording. The exact copy shall comply with the requirements of ORS Ch. 92 and other applicable statutes and be submitted on four mil thickness mylar. [L] [SEP]**
- H. The County Surveyor recording fee shall be submitted with the final plat along with any required post-monumentation bond or letter executed by the City Attorney that the bonding requirements are met.**
- I. The plat shall then be submitted to the County Clerk along with the required recording fee. After recording information is placed on the exact copy by the County Clerk, the exact copy and the required number of prints showing the recording information shall be submitted to the County Surveyor to complete the process. The number of prints required shall be twelve for a subdivision plat and six prints for a partition unless a greater number is requested by the County Surveyor at initial review. [L] [SEP]**
- J. Copies of the exact copy of the final plat showing the recording information shall also be submitted to the City Planning Official, together with an**

electronic copy in a format approved by the City. The scale and format of the plans and the number of copies required shall be as specified on the application form. 

Applicant Response: Subsequent to Tentative Plan Approval, the applicant plans to follow these final map requirements.

Chapter 15.415 – Replats

Section 15.415.010 – Procedures

A. The same procedure and standards that apply to the creation of a plat (tentative plan followed by final plat) apply to a replat pursuant to chapter 15.410.

Applicant Response: The applicant understands that the partition of a platted lot is a considered a replat and that it will require both a tentative plan approval process and a final plat approval process. The current application is for tentative plan review. Upon approval, the applicant plans to complete all conditions of approval and proceed with the final plat process that is required by the City of La Pine and Deschutes County.

Section 15.415.020 – Additional standards.

A. Limitations on replatting include, but are not limited to, the following:

- 1. A replat only applies to a recorded plat;**
- 2. A replat cannot vacate any public street or road; and**
- 3. A replat of a recorded plat will not act to vacate any recorded covenants or restrictions.**

Applicant Response: The property is within the subdivision (plat) that was recorded as CS21206, known as the Oksenholt Estates subdivision, the proposal does not vacate a public street or road and it does not include the vacation of any recorded covenants or restrictions. The proposal complies with the provisions of this section.

B. If the property to be replatted is determined to be part of an undeveloped subdivision pursuant to ORS 92.225, The noticing procedures of ORS 92.225 shall apply.

Applicant Response: The Oksenholt subdivision has been improved with all required infrastructure and it was platted in 2023. The Oksenholt Estates subdivision is not an undeveloped subdivision pursuant to ORS 92.225; therefore this section does not apply.

C. A replat application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable City standards.

Applicant Response: The proposal does not abridge or destroy any public right. Furthermore, as detailed throughout this narrative and supporting items, the proposal conforms to all applicable City Standards.

D. If a utility easement is proposed to be realigned, reduced in width or omitted by a replat, all affected utility companies and public agencies shall be notified.

Applicant Response: The proposal does not modify any utility easement; therefore additional utility company notification is not required.

E. An application for a replat that will change the exterior boundary of a recorded plat of a subdivision shall include authorization. Agreeing to the reconfiguration from the homeowner's association or governing body of the subdivision, if any.

Applicant Response: The proposal does not change the exterior boundary of a recorded plat. This provision does not apply.

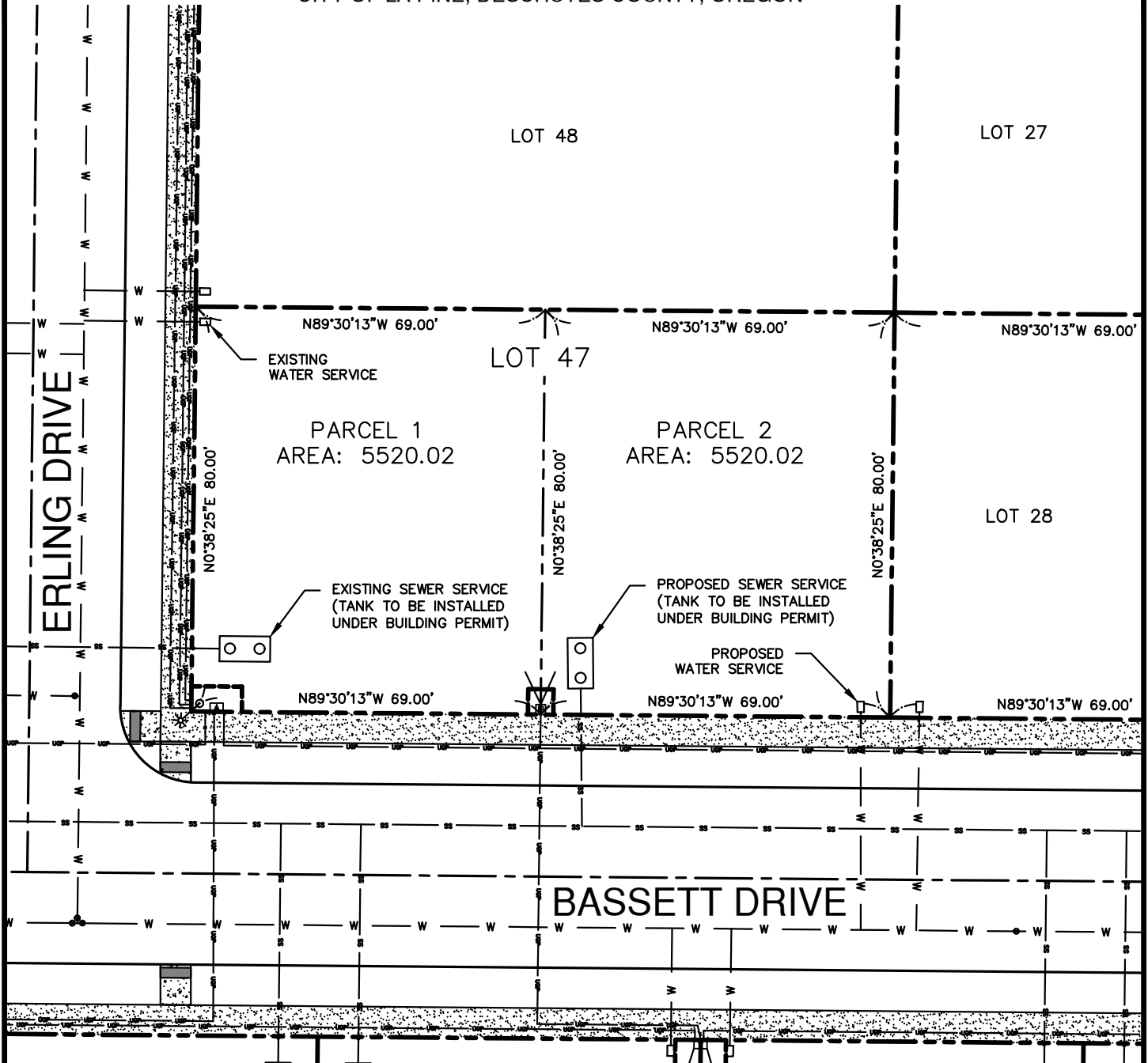
F. Any application for vacation pursuant to ORS 368 must be submitted to and reviewed by Deschutes County.

Applicant Response: The proposal does not include a vacation. This provision does not apply.

VI. Summary and Conclusion:

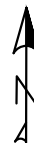
Based on the discussion above, as well as the exhibits included with this application, the applicant has documented that the Replat / Partition Application request meets the applicable approval criteria for a Replat / Partition Application. Because the proposal conforms to all applicable criteria and standards, the applicant respectfully requests that the City approve the Replat / Partition Application as proposed.

PARTITION EXHIBIT
LOT 47 - OKSENHOLT ESTATES
LOCATED IN THE SE 1/4 OF THE SW 1/4 OF SECTION 14,
TOWNSHIP 22 SOUTH, RANGE 10 EAST, W.M.
CITY OF LA PINE, DESCHUTES COUNTY, OREGON



549 SW MILL VIEW WAY
SUITE 100
BEND, OREGON 97702
(541) 633-3140
www.beconeng.com

FOR:
HALLIE DEVELOPMENT



DATE: 04/15/2024

SCALE: 1" = 30'

DRAWN BY: SMA

PROJ: 21047



397 SW Upper Terrace Dr., Bend, OR 97702 Phone: 541-389-2120 Fax: 541-389-2180

PAR

Issued by **DESCHUTES TITLE**
(the Company)

Title Officer: **Scott Graupensperger**
Fee: **\$300.00**
Effective Date: **October 13, 2025**

Order: **DE25391**
Re Your:

THIS REPORT IS BASED ON THE COMPANY'S PROPERTY RECORDS AND NO LIABILITY IS ASSUMED FOR ITEMS MISINDEXED OR NOT INDEXED IN THE PUBLIC RECORDS OR FOR MATTERS WHICH WOULD BE DISCLOSED BY AN INQUIRY OF PARTIES IN POSSESSION OR BY AN ACCURATE SURVEY OR INSPECTION OF THE PREMISES. THIS REPORT AND THE LEGAL DESCRIPTION GIVEN HEREIN ARE BASED UPON INFORMATION SUPPLIED BY THE APPLICANT AS TO THE LOCATION AND IDENTIFICATION OF THE PREMISE IN QUESTION, AND NO LIABILITY IS ASSUMED FOR ANY DISCREPANCIES RESULTING THEREFROM. THIS REPORT DOES NOT REPRESENT EITHER A COMMITMENT TO INSURE TITLE, AN EXAMINATION OF, OR OPINION AS TO, THE SUFFICIENCY OR EFFECT OF THE MATTERS SHOWN, OR AN OPINION AS TO THE MARKETABILITY OF TITLE TO THE SUBJECT PREMISES.

THE COMPANY'S LIABILITY IS LIMITED TO THE AMOUNT CHARGED FOR THIS REPORT.

Fee Simple Title to this Real Property referenced below is vested in:

F&S South 16 LLC, an Oregon limited liability company

The land referred to in the Report is situated in the County of Deschutes, State of Oregon, and is more fully described as follows:

Lot 47 of OKSENHOLT ESTATES, as recorded in Document No. 2023-29075, records of Deschutes County, Oregon

Said property is subject to the matters shown below, which items are not necessarily shown in the order of their priority. SPECIFIC MATTERS:

1. Real Property Taxes levied by Deschutes County, including interest, penalty and statutory foreclosure costs and special assessments, if any, after delinquency:

Year:	2025-2026
Full Amount:	\$676.90
Amount Owning:	\$676.90
Account No.:	288414
Map and Taxlot No.:	221014CD00339

Note: Inquiries may be directed to: Deschutes County Treasurer--541-388-6540
For further information please visit <https://www.deschutes.org/finance/page/property-tax-collection>

2. Any unpaid assessments or charges, and liability for future assessments or charges, by the CITY OF LA PINE. No inquiry has been made as to the status of said charges or assessments, if any. Investigation as to the status of assessments, if any can be made by faxing a request for information to the City of La Pine at 541-536-1462.
*It is our understanding that charges, per request, may apply.

3. Easements and Rights of Way as disclosed in document:
Recorded June 1, 1993
Book-Page [300-2146](#)

Specifically, "Excepting and reserving to the United States rights-of-way over and across the lands for ditches and canals constructed by the authority of the United States as directed and required by the Act of Congress approved August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.

Also those easement rights granted to Midstate Electric Corp as described in item #4 on Page 2 of said document.

4. All covenants, conditions, restrictions, easements or other servitudes, and all reservations, if any, as disclosed by the Partition Plat recorded as Land Partition Plat No. [2018-45](#).
5. Matters set forth by Survey and the terms and conditions thereof:
Deschutes County Surveyors
Office Number: CS#20172
6. All covenants, conditions, restrictions, easements, notes or other servitudes, if any, as disclosed by the recorded plat of [OKSENHOLT ESTATES](#).

END OF SPECIFIC MATTERS

SG:sag

NOTES:

- a. To view documents mentioned in this report, you can click on the blue hyperlink and the image of that document will appear. To view our Underwriter's Privacy Policy, please click on this link:
<http://www.deschutescountytitle.com/privacy-policy-2/>

If for some reason the image is not available, or you do not have access to a computer, please request a copy from the Title Officer identified on the top left of the first page of this report.

- b. According to the County Tax Assessor's records, the address of said property is:

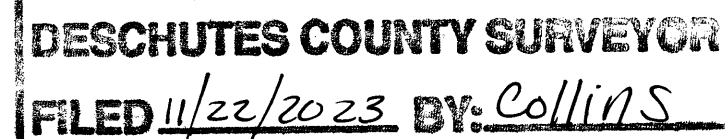
51212 Erling Dr., La Pine, OR 97739

END OF NOTES

DESCHUTES TITLE

A handwritten signature in black ink, appearing to read "Mark D. Smith", written over a horizontal line.

Authorized Signature



OKSENHOLT ESTATES

FOR: F&S SOUTH 16, LLC

A REPLAT OF A PORTION OF PARCEL 2 AND ALL OF PARCEL 3, PARTITION PLAT NO. 2018-45, AS DESCRIBED IN INSTRUMENT NUMBER 2022-19253, LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 22 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN, CITY OF LA PINE, DESCHUTES COUNTY, OREGON CITY OF LA PINE FILE NUMBER: 01SUB-19



SURVEYOR'S CERTIFICATE

I, ERIK J HUFFMAN, REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, BEING FIRST DULY SWORN, DEPOSE AND SAY THAT I OR THOSE UNDER MY DIRECT SUPERVISION HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND SHOWN ON THIS SUBDIVISION PLAT MAP;

THAT THE INITIAL POINT IS A 5/8" REBAR WITH ORANGE PLASTIC CAP INSCRIBED "BECON", BEING THE SOUTHWEST CORNER OF EVANS WAY ESTATES PHASE 1 RECORDED AS INSTRUMENT NUMBER 2022-12883 IN DESCHUTES COUNTY RECORDS, AND THE FOLLOWING IS A TRUE AND CORRECT DESCRIPTION OF THE PROPERTY PLATTED:

BEGINNING AT THE INITIAL POINT;

THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID EVANS WAY ESTATES PHASE 1 SOUTH 89°28'07" EAST 137.99 FEET;

THENCE, CONTINUING ALONG SAID BOUNDARY, SOUTH 00°38'58" WEST 16.14 FEET;

THENCE, CONTINUING ALONG SAID BOUNDARY, SOUTH 89°19'29" EAST 64.00 FEET;

THENCE, CONTINUING ALONG SAID BOUNDARY, SOUTH 89°26'11" EAST 477.56 FEET TO A POINT ON THE EASTERLY LINE OF PARCEL 2 OF PARTITION PLAT 2018-45;

THENCE, LEAVING SAID SOUTHERLY BOUNDARY OF EVANS WAY ESTATES PHASE 1 AND PROCEEDING ALONG THE EASTERLY BOUNDARY OF PARCEL 2 AND EASTERLY BOUNDARY OF PARCEL 3 OF PARTITION PLAT 2018-45, SOUTH 00°33'46" WEST 1025.58 FEET;

THENCE, ALONG THE SOUTHERLY BOUNDARY OF SAID PARCEL 3, NORTH 89°27'30" WEST 681.82 FEET;

THENCE, ALONG THE WESTERLY BOUNDARY OF SAID PARCEL 2 AND 3, NORTH 00°41'20" EAST 1042.03 FEET TO THE POINT OF BEGINNING.

CONTAINS 16.08 ACRES, MORE OR LESS.

MONUMENTS OF RECORD

- (A) 5/8" REBAR WITH YELLOW PLASTIC CAP INSCRIBED "S.C.E. & S." SET IN [4]
- (B) 5/8" REBAR WITH YELLOW PLASTIC CAP INSCRIBED "S.C.E. & S." SET IN [4]
- (C) 2-1/2" GLO BRASS CAP 1/16 CORNER SET IN [1] **INSCRIBED AS SHOWN**
- (D) 5/8" REBAR (NO CAP) SET IN [9]
- (E) 5/8" REBAR WITH YELLOW PLASTIC CAP INSCRIBED "TYE ENGINEERING" SET IN [9]
- (F) 5/8" REBAR (NO CAP) SET IN [8]
- (G) 5/8" REBAR WITH ALUMINUM INSCRIBED "TYE ENGINEERING" SET IN [8]
- (H) 5/8" REBAR WITH YELLOW PLASTIC CAP INSCRIBED "TYE ENGINEERING" SET IN [8]
- (I) 5/8" REBAR WITH YELLOW PLASTIC CAP INSCRIBED "TYE ENGINEERING" SET IN [7]
- (J) 5/8" REBAR WITH ALUMINUM CAP INSCRIBED "TYE ENGINEERING" SET IN [7]
- (K) 5/8" REBAR WITH YELLOW PLASTIC CAP INSCRIBED "TYE ENGINEERING" SET IN [7]
- (L) 5/8" REBAR WITH YELLOW PLASTIC CAP INSCRIBED "TYE ENGINEERING" SET IN [6]
- (M) 5/8" REBAR WITH YELLOW PLASTIC CAP INSCRIBED "S.C.E. & S." SET IN [4]
- (N) 5/8" REBAR (NO CAP) SET IN [6]
- (O) 5/8" REBAR WITH YELLOW PLASTIC CAP (ILLE GIBLE) SET IN [6]

DECLARATION

KNOW ALL PERSONS BY THESE PRESENTS, THAT F&S SOUTH 16, LLC, AN OREGON LIMITED LIABILITY COMPANY, AS OWNER OF THE LANDS SHOWN ON THIS PLAT IN FEE SIMPLE, HAS CAUSED THE LANDS HEREIN DESCRIBED TO BE SURVEYED AND PLATTED INTO LOTS AND STREETS ACCORDING TO THE PROVISIONS OF O.R.S. CHAPTER 92; AND HEREBY DEDICATES THE RIGHT OF WAY OF ERLING DRIVE, HALLIE WAY, RILEY DRIVE, BASSETT DRIVE, AND ALLEYS SHOWN HEREON TO THE PUBLIC FOREVER; AND HEREBY DEDICATES PUBLIC UTILITY EASEMENTS AS SHOWN HEREON TO THE PUBLIC FOREVER; AND HEREBY SUBMIT FOR APPROVAL AND RECORD THIS SUBDIVISION PLAT.

[Signature]
JON OKSENHOLT, MANAGER, OKSENHOLT PROPERTIES, LLC,
MANAGER, F&S SOUTH 16, LLC

[Signature] 10/31/23
DATE

ACKNOWLEDGMENT

STATE OF OREGON

COUNTY OF DESCHUTES

ON THIS 31st DAY OF October, 2023, BEFORE ME PERSONALLY APPEARED JON OKSENHOLT, MANAGER, OKSENHOLT PROPERTIES, LLC, MANAGER, F&S SOUTH 16, LLC, WHO BEING DULY SWORN, STATED THAT HE IS THE AGENT THAT IS AUTHORIZED TO EXECUTE THE FOREGOING INSTRUMENT AND ACKNOWLEDGED SAID INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED.

NOTARY PUBLIC *[Signature]*

PRINTED NAME: Whitney Witz

NOTARY PUBLIC-OREGON

COMMISSION NO. 1007327

MY COMMISSION EXPIRES January 7th, 2025

SURVEY REFERENCES

- [1] CS 11184 DEPENDENT RESURVEY AND PARTIAL SUBDIVISION SECTION 14 BY GLO (RIGBY) **UNDER SPECIAL INSTRUCTIONS**
- [2] CS 20172 RECORD OF SURVEY, PROPERTY LINE ADJUSTMENT BY DANIEL T. BURTON FILED MARCH 24, 2020
- [3] CS 14351 **PARTITION PLAT 2001-7** BY RICHARD BRYANT FILED JANUARY 31, 2001
- [4] CS 19813 PARTITION PLAT NO. 2018-45 BY D. BURTON FILED DECEMBER 12, 2018
- [5] CS 15580 HUNTINGTON MEADOWS PHASES 1 AND 2 BY WILLIAM TYE FILED OCTOBER 17, 2003
- [6] CS 16236 HUNTINGTON MEADOWS PHASES 3 AND 4 BY WILLIAM TYE FILED JANUARY 6, 2005
- [7] CS 16788 HUNTINGTON MEADOWS PHASES 5 AND 6 BY WILLIAM TYE FILED FEBRUARY 22, 2006
- [8] CS 17128 HUNTINGTON MEADOWS PHASES 7 AND 8 BY WILLIAM TYE FILED DECEMBER 5, 2006
- [9] CS 17848 HUNTINGTON MEADOWS PHASES 9 AND 10 BY WILLIAM TYE FILED OCTOBER 16, 2008
- [10] CS 20777 EVANS WAY ESTATES PHASE 1 BY ERIK J. HUFFMAN, FILED MARCH 28, 2022

APPROVALS

THIS PLAT HAS BEEN EXAMINED AND APPROVED BY:

I HEREBY CERTIFY THAT ALL TAXES ARE PAID TO THIS DATE.

[Signature] 11/03/2023
ROBERT TITTLE BY, *[Signature]*
DESCHUTES COUNTY TAX COLLECTOR DATE

I HEREBY CERTIFY THAT ALL AD VALOREM TAXES, SPECIAL ASSESSMENTS, FEES, AND OTHER CHARGES REQUIRED BY LAW TO BE PLACED ON THE 2023-2024 TAX ROLL WHICH BECAME A LIEN OR WILL BECOME A LIEN ON THIS SUBDIVISION DURING THIS TAX YEAR BUT NOT YET CERTIFIED TO THE TAX COLLECTOR FOR COLLECTION HAVE BEEN PAID, TO ME.

[Signature] 11-3-23
SCOT LAYTON BY *[Signature]*
DESCHUTES COUNTY ASSESSOR DATE

[Signature] 11-21-2023
KEVIN SAMUEL
DESCHUTES COUNTY SURVEYOR DATE

[Signature] 11-1-23
75122
CITY OF LA PINE PLANNING DIRECTOR DATE

[Signature] 11-1-23
CITY OF LA PINE PUBLIC WORKS MANAGER DATE

SIGNATURE BY THE CITY OF LA PINE CONSTITUTES ACCEPTANCE BY THE CITY OF ANY DEDICATION MADE HEREIN TO THE PUBLIC.

[Signature] 2/10/23
DESCHUTES COUNTY BOARD
OF COMMISSIONERS DATE

WATER RIGHTS STATEMENT

THERE ARE NO WATER RIGHTS APPURTENANT TO THESE LANDS.

SURVEY NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO SUBDIVIDE AND MONUMENT A PORTION OF PARCEL 2 AND ALL OF PARCEL 3, PARTITION PLAT 2018-45, BEING THAT PROPERTY DESCRIBED IN INSTRUMENT NUMBER 2022-19253, DESCHUTES COUNTY OFFICIAL RECORDS, LOCATED IN THE SE 1/4 OF THE SW 1/4, SECTION 14, TOWNSHIP 22 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN, CITY OF LA PINE, DESCHUTES COUNTY, OREGON.

THE PROPERTY IS TO BE SUBDIVIDED INTO LOTS 13 THROUGH 61, HALLIE WAY, ERLING DRIVE, BASSETT DRIVE, AND RILEY DRIVE.

MONUMENTS FOUND ARE SHOWN AND WERE HELD TO DETERMINE THE BOUNDARY OF THIS PLAT. RECORD BOUNDARIES WERE HELD PER EVANS WAY ESTATES PHASE 1, CS 20777, DESCHUTES COUNTY SURVEY RECORDS, EXCEPT FOR WHERE SHOWN ALONG THE NORTHERLY BOUNDARY.

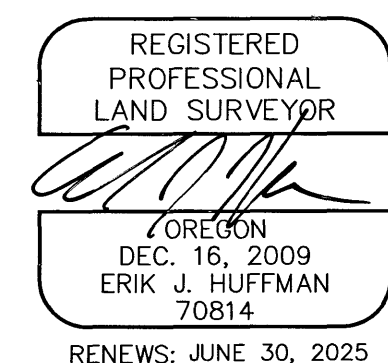
JOB #: 21047

CLIENT: F&S SOUTH 16, LLC

DATE: 10/31/2023

DRAWN BY: AJH/GR

549 SW MILL VIEW WAY
SUITE 100
BEND, OREGON 97702
(541) 633-3140
www.beconeng.com



SHEET 1 of 2

DESCHUTES COUNTY SURVEYOR
FILED 11/22/2023 BY: Collins

OKSENHOLT ESTATES

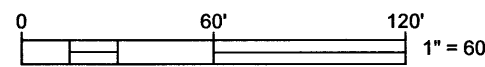
FOR: F&S SOUTH 16, LLC

REGISTERED
PROFESSIONAL
LAND SURVEYOR
[Signature]
OREGON
DEC. 16, 2009
ERIK J. HUFFMAN
70814
RENEWS: JUNE 30, 2025

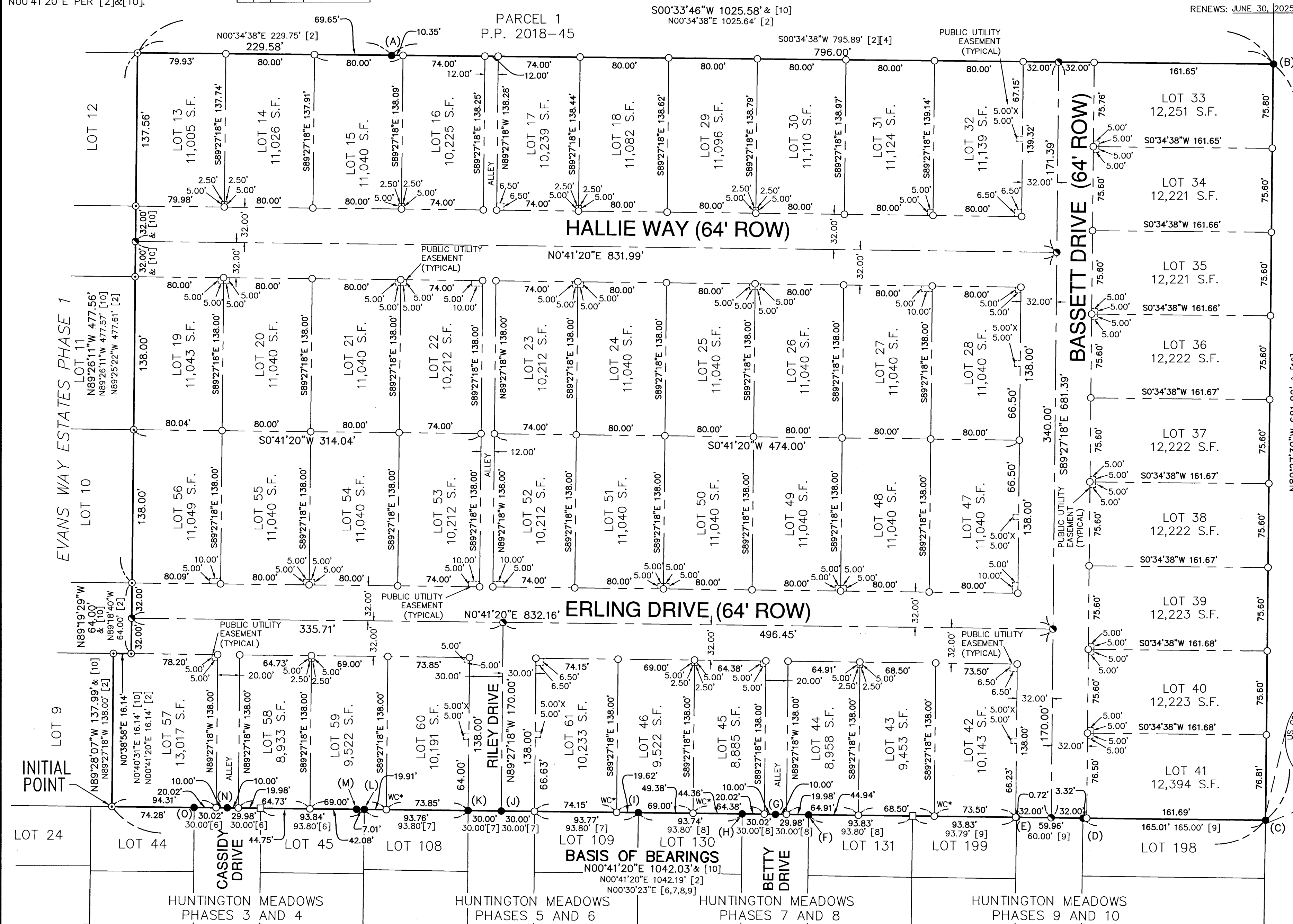
BECON
CIVIL ENGINEERING
& LAND SURVEYING

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE WEST LINE OF PARCELS 2 AND 3, PARTITION PLAT 2018-45 [2], BEING N00°41'20"E PER [2]&[10].



A REPLAT OF A PORTION OF PARCEL 2 AND ALL OF PARCEL 3, PARTITION PLAT NO. 2018-45, AS DESCRIBED IN INSTRUMENT NUMBER 2022-19253, LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 22 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN, CITY OF LA PINE, DESCHUTES COUNTY, OREGON
CITY OF LA PINE FILE NUMBER: 01SUB-19



NOTE: THE NW CORNER OF LOT 60, THE NW AND SW CORNERS OF LOT 46, AND THE NW CORNER OF LOT 42 WERE SET AS WITNESS CORNERS SOUTH 89°27'18" EAST 1.00 FEET FROM TRUE POSITION DUE TO OBSTRUCTION BY EXISTING FENCES. NOTED ON MAP AS WC*.

N89°27'30"W 681.82' & [10]
N89°27'11"W 681.61' [2]&[4]

US GENERAL LAND OFFICE SURVEY
W 1/16 S14 S23
1944